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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 SCOTT C. SMITH,

12 Plaintiff,

13 v.

14 SGT. SULLIVAN, *et al*,

15 Defendants.
16

Case No. C09-5228RJB-KLS

ORDER DENYING PLAINTIFF'S
REQUEST FOR PERSONAL
SERVICE ON DEFENDANTS

17 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §
18 636(b)(1), Local Rules MJR 3 and 4, and Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 72. The
19 case is before the Court on plaintiff's filing of a written request to have defendants personally served with
20 the summons and complaint. (Dkt. #12). After reviewing plaintiff's request and the balance of the
21 record, the Court finds and orders as follows:

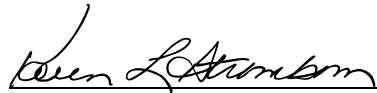
22 In regard to defendants Sgt. Sullivan, Capt. Jones and Caroline Hardy, plaintiff's written request is
23 now moot, as both the waiver and return of service forms already have been received for all three of those
24 defendants. (Dkt. #8-#10, #13-#15). Waiver and return of service forms have been received for defendant
25 Ruben Cedenro as well, but they came back unexecuted. (Dkt. #18). It appears they could not be
26 executed, because defendant Cedenro could not be located at the address plaintiff provided therefor. (*Id.*).
27 As such, personal service on defendant Cedenro also is inappropriate here.

28 The Court is not aware of any other contract address for defendant Cedenro with which again to

1 attempt to complete service on him in this case. Accordingly, because such service cannot be effected,
2 personal jurisdiction over defendant Cedeno does not currently exist in this case, and thus the Court has
3 no authority over him at this time. However, should plaintiff provide the Court with a current contact
4 address for defendant Cedeno – along with a properly completed summons and copy of the complaint – it
5 will have the United States Marshall once more attempt service thereon.

6 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants. The
7 Clerk also is directed to send to plaintiffs copies of the waiver and return of service forms received for
8 the named defendants (Dkt. #8-#10, #13-#15, #18).

9 DATED this 15th day of September, 2009.

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13 Karen L. Strombom
14 United States Magistrate Judge
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